

EXHIBIT B

From: Isaac, Chris
Sent: Tuesday, August 18, 2009 10:32 AM
To: 'Scheaf, Judson'; 'Walters, Gary'
Cc: 'Daniel F. Gourash'; Cheung, Ashley
Subject:

Jud/Gary,

This email confirms our discussion where I indicated that Hillman would be dismissing with prejudice its claim for infringement of the '747 patent. I asked Hy-Ko to join Hillman in a joint motion to dismiss both Hillman's '747 infringement claim and Hy-Ko's related declaratory judgment claims. We agreed to talk tomorrow at 4:00 about this issue and to discuss a case schedule that involves only the original '894 patent. I am sending a proposed case schedule that will allow us to return to a schedule that approximates the original schedule for this case. This is a redline draft based on the last case schedule Hy-Ko circulated for a combined case involving both the '894 and '747 patents.

Chris

Chris Isaac | Finnegan, Henderson, Farabow, Garrett & Dunner | 11955 Freedom Drive, Suite 800 | Reston, VA 20190 | Phone: 571-203-2740 | Cell: 202-251-0430 | Fax: 202-408-4400 | Web: www.finnegan.com

Proposed '894 Schedule (after July 30, 2009 Status Conference)

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- 1) Non-damages discovery cutoff: 10/1/09
- 2) Claims construction briefs: 9/16/09 (40 page limit)
- 3) Claim construction brief response: 9/30/09 (30 page limit)
- 4) Claim construction brief reply: 10/14/09 (15 page limit)
- 5) Markman Hearing: 11/13/09

[Damages/Willfulness Discovery...] 2/26/10

- 6) Party with burden expert reports: 3/26/10
- 7) Responsive expert reports: 4/16/10
- 8) Expert discovery cutoff: 5/4/10
- 9) Dispositive Motion cutoff: 5/25/10
- 10) Final pre-trial: 8/2/10
- 11) Trial: 8/23/10

Deleted: <#>Written initial disclosures:
9/3/09 ('747)¶
<#>Production initial disclosures:
9/17/09 ('747)¶
<#>Pltf discloses invalidating prior art:
10/28/09 ('747)¶
<#>Dfid's claims construction chart:
11/18/09 ('894 and '747)¶
<#>Pltf responds to construction chart:
12/18/09 ('894 and '747)¶
<#>Jt. construction chart to Court:
1/11/10 ('894 and '747)¶
<#>Pltf notices "advice of counsel":
1/18/10 ('747)¶
<#>Status conference: 2/16/10¶

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